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BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

Revision of the Commission's Rules to Ensure)
Compatibility with Enhanced 911 Emergency)
Calling Systems)

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REPLY COMMENTS

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BellSouth Corporation, BellSouth Telecommunications, Inc., BellSouth Enterprises, Inc., and BellSouth Cellular Corp. (collectively "BellSouth"), by their attorneys, hereby reply to the comments submitted in response to the Commission's *Notice of Proposed Rule Making*, 9 FCC Rcd. 6170, *summarized*, 59 Fed. Reg. 54878 (1994) ("NPRM"). In its comments, BellSouth urged the Commission to gather information regarding the most efficient method for establishing a universal 911 system, rather than to prematurely impose specific requirements mandating the imposition of such a system before standards have been developed and technology has sufficiently advanced.

I. The Integrity And Validity Of The ALI Database Should Be Protected

In the *NPRM*, the Commission requested comment on what should be done to ensure an accurate ALI database. BellSouth supported efforts to ensure the continued validity and integrity of the database, urged the Commission to create a task force to address the issue, and suggested that, to ensure integrity, access to the database should be limited.¹ In this regard, BellSouth opposed any proposal that would afford PBX users direct access to the ALI database because

¹ BellSouth Comments at 8-9, 10.

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increasing the number of parties that can access the database increases the chance for error.²

Thus, BellSouth disagrees with Redcom Laboratories that PBX users should have direct access to the ALI database via modem.³

Additionally, BellSouth disagrees with those commenters alleging that LECs will be able to charge discriminatory rates for database maintenance, interfaces, and interconnection if they are the only keepers of the ALI database and the sole providers of database maintenance.⁴ First, LECs are prohibited by the Commission's rules from engaging in such discrimination and, as competition in the local loop grows, LECs must remain competitive in the provision of E911 services if they wish to remain the primary providers of such services. If a LEC is unwilling to establish acceptable procedures at reasonable costs, it will be unable to remain the primary provider of E911. Further, contrary to the concerns of MCI and Redcom Laboratories, LEC employees will not be able to access the ALI database and use the information for competitive purposes.⁵ Access to the ALI database is restricted to those employees involved in the provision of E911 and it is not accessible by the marketing/sales organization. Names, addresses, and phone numbers are considered private and are governed by existing nondisclosure policies. Customer equipment configurations, usage data, and traffic data are governed by Commission rules on Customer Proprietary Network Information.

LECs are best suited to provide E911 information because they have the largest customer database and already have procedures in place to provide this information. LECs also have

² *Id.* at 10.

³ Redcom Laboratories ("Redcom") Comments at ¶ 24.

⁴ MCI Comments at 3; Redcom Comments at ¶ 17.

⁵ MCI Comments at 3-4; Redcom Comments at ¶ 17.

established liaisons and working relationships with PSAPs and have made substantial investment in creating and maintaining an ALI database. Given the procedures created to ensure the privacy of the information in the database and prevent LEC access for competitive purposes, BellSouth opposes any effort to lessen the role of the LEC in providing E911 and maintaining the ALI database. Further, because of the substantial investment LECs have made in creating and maintaining the ALI database to date, BellSouth also opposes efforts to create a universal E911 database free of charge.

II. It Is Premature To Establish Specific ALI Requirements For Wireless Systems

In its comments, BellSouth urged the Commission to refrain from imposing specific 911 capabilities for wireless systems until standards are developed by affected groups and technology develops further.⁶ A number of commenters also agreed that the imposition of specific requirements would be premature and that the Commission has underestimated the efforts of the wireless industry to make 911 service available to its subscribers.⁷ AT&T, for example, through its cellular subsidiary, "routinely notifies the 911 community in its markets regarding the turn on date for cell sites in order to provide for proper routing of 911 calls."⁸ AT&T also is in the process of providing automatic number identification ("ANI") on a trial basis in Washington

⁶ BellSouth Comments at 12-13.

⁷ See AT&T Comments at 1 ("the approach in the Notice both underestimates the sheer quantity of work that is needed to maximize compatibility and the dedication with which . . . affected parties already are seeking to overcome the myriad of challenges."); see also MCI Comments at 2; GTE Comments at 16, 20-24; Vanguard Cellular Systems, Inc. ("Vanguard") Comments at 12; American Mobile Telecommunications Association ("AMTA") Comments at 7-8; Rural Cellular Association ("RCA") Comments at 3-4; ALLTEL Mobile Communications, Inc. ("ALLTEL") Comments at 1; American Personal Communications ("APC") Comments at 2; SBC Communications, Inc. ("SBC") at 7-9; NYNEX Comments at 2, 8-9, & 14.

⁸ AT&T Comments at 16.

state and has been working on a method of identifying 911 callers by base station.⁹ Additionally, many cellular providers have set up emergency service access in areas where 911 service is not available, and some carriers provide E911 service even to customers terminated for non-payment.¹⁰ Thus, Commission intervention is not necessary to prod the wireless industry into providing 911 access. If the Commission adopts its current proposal, however, it should make clear that the proposed rules do not *require* wireless licensees to provide 911 and E911 services in areas where it is not available to landline customers.¹¹

BellSouth views with skepticism the comments of Clement J. Driscoll, director of the Driscoll survey, which support the Commission's proposal to require ALI accurate within 125 meters within 5 years.¹² Contrary to the Driscoll comments, PCIA asserts that location information accurate within 125 meters is at least 8 years away.¹³ Similarly, Northern states that "[a]lthough there are numerous proposals and theoretical models that have been mentioned to address the desire to determine accurately the location of a mobile handset, Northern is unaware of any such systems that have been actually demonstrated which provide three-dimensional information accurately and efficiently in all environments."¹⁴

⁹ *Id.* at 16.

¹⁰ SBC Comments at 2; NYNEX Comments at 13-14 (discussing NYNEX's efforts to develop location technologies); Vanguard Comments at 10.

¹¹ See PCIA Comments at 8; AT&T Comments at 21; see also Liberty Cellular Comments at 1-3; SBC Comments at 5-7.

¹² Clement J. Driscoll Comments at 2. Thus, BellSouth also disagrees with the State of New Jersey's Comments that ALI information accurate within 125 meters should be required sooner than that proposed by the Commission. New Jersey Comments at 16.

¹³ PCIA Comments at 16, 20.

¹⁴ Northern Telecom, Inc. ("Northern") Comments at 6 (footnote omitted).

In this regard, the Joint Paper referenced by the Commission recognized the unique characteristics of wireless communications *via-a-vis* the provision of emergency services.¹⁵ After studying the ALI issue, however, the Joint Report did not propose detailed ALI, other than the identification of the relevant cell site or sector.¹⁶ Rather, the report recommended that standards bodies “*investigate the feasibility* of specifying technical solutions or strategies to implement *economically feasible* detailed location capabilities.”¹⁷ Similarly, although “a number of technologies to locate cellular subscribers were presented,” the JEM Report determined that none of the technologies was advanced enough to warrant the imposition of an ALI accuracy requirement such as that proposed by the Commission.¹⁸ Even the Georgia Chapter of the National Emergency Number Association (“GA NENA”) recognized the “tremendous technological difficulties” in providing location information.¹⁹

Access to 911 services by wireless customers is being hampered because of a lack of

¹⁵ *NPRM*, 9 FCC Rcd. at 6171, 6177-78; *see NPRM*, 9 FCC Rcd. at 6185 (App. D, entitled “Emergency Access Position Paper”) (hereinafter “Joint Paper”); *see also* Emergency Services, Joint Experts Meeting Report, TR45/94.08.23.11, at 2 (Aug. 24, 1994) (“JEM Report”).

¹⁶ Joint Paper, 9 FCC Rcd. at 6193.

¹⁷ *Id.* at 6193 (emphasis added).

¹⁸ JEM Report at 23; *see* BellSouth Comments at 15 n.22 (noting that none of the location technologies referenced in the Driscoll survey “have been deployed commercially for providing *wireless emergency services location information* and many of the[] technologies still are in the developmental stages”); AT&T Comments at 19 (stating that the technology needed for locating a mobile caller is “at best immature and unproven”).

¹⁹ GA NENA Comments at 3. GA NENA also noted the difficulty 911 centers will have integrating this information in such a short time frame. GA NENA Comments at 3. In its initial comments, BellSouth also noted that the complexity of requiring ALI from wireless PBXs was unduly burdensome. BellSouth Comments at 11. Other commenters also opposed the imposition of requirements on wireless PBXs at this time. *See* Northern Comments at 39-42; GTE Comments at 33.

standards and not because of a lack of effort by wireless providers.²⁰ Because of the lack of standards and proven location technologies, BellSouth urges the Commission to support and facilitate the ongoing technological development, standard setting, and customer education already underway by affected groups.²¹ This is consistent with the recommendations contained in the Joint Paper and the comments of many parties.²² Accordingly, BellSouth requests that the Commission defer consideration of specific ALI requirements for wireless systems until affected industry and technical groups establish standards, and determine that accurate, economically feasible location technologies are available.

III. Wireless Providers Should Be Subject To Limited Liability

BellSouth supports those commenters requesting a limited liability provision in any rules which may be adopted requiring 911 wireless accessibility.²³ Because of limitations inherent in radio communications, contracts between wireless providers and subscribers often acknowledge that there is no duty to provide uninterrupted service.²⁴ The limitations which give rise to this contractual language equally apply to wireline 911 calls. Accordingly, the Commission should absolve wireless providers of any liability for "dropped" 911 calls.

²⁰ *Accord* Harris Corporation Comments at 1.

²¹ *See* BellSouth Comments at 16-17.

²² Joint Paper, 9 FCC Rcd. at 6193; PCIA Comments at 3-5; MCI Comments at 2; Vanguard Comments at iii, 6-8; NYNEX Comments at 13-14; SBC Comments at 8; Bell Atlantic Comments at 9-11; GTE Comments at 23-24; APC Comments at 2; ALLTEL Comments at 1.

²³ *See* GTE Comments at 24-25; SBC Comments at 4-5, 24-25; AT&T Comments at 40-41; Bell Atlantic Comments at 11; *see also* PCIA Comments at 27-28.

²⁴ *See* GTE Comments at 25.

IV. All Mobile Radio Services Offering Access To Real-Time Voice Services Should Be Required To Provide Access to 911 Services

Many commenters supported the Commission's determination that "all mobile services offering access to real-time voice services provided on the public switched network" should be capable of providing access to emergency services.²⁵ GTE and AT&T, however, urged the Commission to exempt air-ground services from a requirement to provide 911 service.²⁶ BellSouth agrees with these parties that air-ground service should not be subject to such a requirement because emergency service providers would not have access to the emergency locale (*i.e.*, aircraft).

Although BellSouth supports an exemption for air-ground service, it opposes those parties requesting that other real-time voice services be exempted.²⁷ Similar services should be subject to the same regulations. Thus, all services offering access to real-time voice services provided on the public switched network ("PSN") should be capable of providing access to emergency services. If emerging satellite communications providers do not wish to provide 911 service, they should configure their systems to preclude real-time voice access to the PSN.

²⁵ *NPRM*, 9 FCC Rcd. at 6176-77; *see* BellSouth Comments at 11; Bell Atlantic Comments at 8; NYNEX Comments at 10; Vanguard Comments at 6; Nextel Comments at 3; California Public Utilities Commission Comments at 4-5; Interagency Committee on Search and Rescue Comments at 4; Texas Advisory Commission on State Emergency Communications Comments at 8; Orbital Communications Corporation Comments at 2.

²⁶ AT&T Comments at 21 (urging an exemption for air-ground service); GTE Comments at 7-10 (requesting an exemption for one-way paging and air-ground services).

²⁷ *See* E.F. Johnson Company Comments at 4; Waterway Communications Systems, Inc. Comments at 3; Westinghouse Electric Corporation Comments at 2-3; COMSAT Corporation Comments at 3; Geotek Communications, Inc. Comments at 2; Constellation Communications, Inc. Comments at 2.

V. Call Priority Should Not Be Required At This Time

Commenters supported BellSouth's position that it is premature to require 911 call priority at this time.²⁸ The Secretary of Defense agreed with BellSouth that giving call priority to 911 calls poses problems for disaster relief crews and other emergency personnel.²⁹ Additionally, commenters indicated that call priority is not technically feasible at this time.³⁰ Although some equipment providers may be capable of providing call prioritization, the capability is not broadly available. Ericsson, for example, indicates that call prioritization for cellular systems will take three years to develop. Thus, until the agencies and affected industries agree that 911 or emergency prioritization is necessary and technology makes it economically feasible to prioritize such calls, the Commission should not mandate call prioritization.

VI. The Commission Should Initiate a New Rule Making to Address the Recovery of Costs Associated With 911 and E911 Implementation

A number of commenters urged the Commission to initiate a new rule making to develop a method for recovering the costs associated with providing access to 911 and E911 services via PBX and wireless systems.³¹ BellSouth agrees. Because the Commission is proposing to provide wireless subscribers and PBX users the same access to E911 enjoyed by traditional landline customers, a mechanism for recovering the costs of providing access to these services,

²⁸ Secretary of Defense Comments at 5; AT&T Comments at 26-27.

²⁹ Compare BellSouth Comments at 18 with Secretary of Defense Comments at 5. See also AT&T Comments at 26.

³⁰ See, e.g., AT&T Comments at 26-27 ("there is virtually no prospect that call prioritization could be deployed within one year"); NYNEX Comments at 12; Bell Atlantic Comments at 9; Northern Comments at 51.

³¹ See PCIA Comments at 28; NYNEX Comments at 2, 9; Bell Atlantic Comments at 11-12; AT&T Comments at 43; Northern Comments at 62; Nextel Comments at 7.

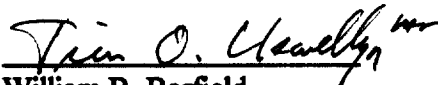
similar to the surcharge added to a landline customer's monthly bill, must be developed.³²

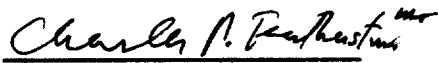
CONCLUSION

For the forgoing reasons, BellSouth urges the Commission to forego the adoption of mandatory 911 and E911 requirements for PBX and wireless systems until an industry consensus can be reached regarding how best to provide access to these services.

Respectfully submitted,

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See Northern Comments at 62.